

**United States Bankruptcy Court
Western District of Missouri**



**NOTICE OF PROPOSED REVISIONS TO LOCAL RULES OF PRACTICE AND NEW LOCAL
FORM RELATED TO CHAPTER 12 DISCHARGE PROCESS
AND NOTICE OF PUBLIC COMMENT PERIOD**

The Court is considering a new local rule and local forms to improve and standardize the Chapter 12 discharge process similar to that used in Chapter 13. The proposed ***Chapter 12 Discharge Process*** is comprised of new Local Rule 4004-6 and Local Forms 4004-6.1 and 4004-6.2. If you have comments or concerns regarding these changes, please submit them as directed below.

Comments will be accepted through October 15, 2015

Please email questions or comments to:

Rob Lawson, Operations Manager
United States Bankruptcy Court - Western District of Missouri
400 East Ninth Street, Room 1510
Kansas City, MO 64106

Rob_Lawson@mow.uscourts.gov

1. Proposed Local Rule 4004-6.

Rule 4004-6. Discharge in Chapter 12 Case

A. Motion for Entry of Discharge – Completed Plan Payments Pursuant to §1228(a). After completion of payments required by the plan, debtor shall file a motion for entry of Chapter 12 discharge using the Court's form (**See Local Form - MOW 4004-6.1**).

B. Motion for Entry of Discharge – Not Completed Plan Payments Pursuant to §1228(b). After confirmation of the plan but before completion of payments required by the plan, debtor may file a motion for entry of Chapter 12 discharge using the Court's form (**See Local Form - MOW 4004-6.2**).

C. No Motion Filed. If no motion for entry of Chapter 12 discharge is filed within 60 days after completion of payments required by the plan, the case may be closed without entry of a discharge order. If the motion for entry of chapter 12 discharge is filed after the case has been closed, the debtor must also file a motion to reopen the case with a 21-day notice to all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1. A filing fee to reopen the case must be paid with the motion.

2. Proposed Local Form MOW 4004-6.1. Debtor's Motion for Entry of Chapter 12 Discharge Due to Plan Completion and Notice of Deadline and Opportunity to Object.

MOW 4004-6.1 (9/2015)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In Re: _____)
_____) Case No.
Debtor(s) _____)

**DEBTOR'S MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO PLAN
COMPLETION AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT**

Comes now the debtor and moves for entry of an Order of Discharge for which the debtor is eligible under all applicable Bankruptcy laws and rules.

If the debtor has claimed a homestead exemption in excess of \$125,000, there is no proceeding pending in which the debtor may be found guilty of a felony as described in 11 U.S.C. §522(q)(1)(A) and the debtor is not liable for a debt for the kind described in 11 U.S.C. §522(q)(1)(B).

Pursuant to 11 U.S.C. §1228(a), if the debtor has a Domestic Support Obligation, all amounts payable under any judicial or administrative order or by statute for domestic support obligations that were due on or before the date upon which this certification was signed, including all payments due under the plan for amounts due before the petition was filed, have been paid. The name and address of each holder of a Domestic Support Obligation is as follows:

Name	Address
_____	_____
_____	_____

If the debtor has a Domestic Support Obligation, the debtor's most recent/current address is:

If the debtor has a Domestic Support Obligation, the name and address of debtor's most recent/current employer/income source is:

WHEREFORE the debtor(s) respectfully move this Court to enter a Chapter 12 Discharge order pursuant to 11 U.S.C. §1228(a).

Date: _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

**NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF
CHAPTER 12 DISCHARGE DUE TO PLAN COMPLETION**

PLEASE TAKE NOTICE THAT WITHIN TWENTY- ONE (21) DAYS AFTER THE DATE OF THIS NOTICE you must file and serve a written objection to the motion. The objection must be filed electronically with the Bankruptcy Court at www.ecf.mowb.uscourts.gov. If you are a pro se creditor, you may file a written objection with the Clerk, United States Bankruptcy Court, Western District of Missouri, 400 E. 9th Street, Room 1510, Kansas City, MO 64106. Debtor's attorney and trustee will receive electronic notice when the objection is filed. If the debtor is pro se, you must serve your objection on the debtor.

IF YOU FAIL TO FILE A TIMELY OBJECTION, THE MOTION MAY BE GRANTED BY THE COURT WITHOUT A HEARING. The court may grant the motion without a hearing if the objection filed states inadequate grounds for denial.

Date: _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Notice has been served by first class mail on all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

Date: _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

Instructions: Fill in all required information and serve on all creditors.
ECF Event: Bankruptcy>Motions/Applications/Requests>Chapter 12 Discharge

RJL/9.9.2015

3. Proposed Local Form MOW 4004-6.2. Debtor's Motion for Entry of Chapter 12 Discharge Due to Hardship and Notice of Deadline and Opportunity to Object.

MOW 4004-6.2 (9/2015)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In Re: _____)
_____) Case No.
Debtor(s) _____)

**DEBTOR'S MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO HARDSHIP
AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT**

Comes now the debtor and moves for the entry of an Order of Discharge pursuant to 11 U.S.C. §1228(b) despite the debtor's failure to complete payments under the confirmed plan. In support thereof the debtor states:

1. "The debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable" in that _____

_____. 11 U.S.C. §1228(b)(1).

2. "The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date." 11 U.S.C. §1228(b)(2).

3. "Modification of the plan under section 1229 of this title is not practicable" in that _____

_____. 11 U.S.C. §1228(b)(3).

4. If the debtor has claimed a homestead exemption in excess of \$125,000, there is no proceeding pending in which the debtor may be found guilty of a felony as described in 11 U.S.C. Section 522(q)(1)(A) and the debtor is not liable for a debt of the kind described in 11 U.S.C. §522(q)(1)(B).

WHEREFORE the debtor(s) respectfully move this Court to enter a Chapter 12 Discharge order pursuant to 11 U.S.C. §1228(b).

Date: _____

Debtor/Debtors Attorney
[Provide signature block information per LR 9011-4]

**NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF
CHAPTER 12 DISCHARGE DUE TO HARDSHIP**

PLEASE TAKE NOTICE THAT WITHIN TWENTY-ONE (21) DAYS AFTER THE DATE OF THIS NOTICE you must file and serve a written objection to the motion. The objection must be filed electronically with the Bankruptcy Court at www.ecf.mowb.uscourts.gov. If you are a pro se creditor, you may file a written objection with the Clerk, United States Bankruptcy Court, Western District of Missouri, 400 East 9th Street, Room 1510, Kansas City, MO 64106. Debtor's attorney and the trustee will receive electronic notice when the objection is filed. If the debtor is pro se, you must serve your objection on the debtor.

Date: _____

Debtor/Debtors Attorney
[Provide signature block information per LR 9011-4]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Notice has been served by first class mail on all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

Date: _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

Instructions: Fill in all required information and serve on all creditors
ECF Event: Bankruptcy>Motions/Applications/Requests>Chapter 12 Discharge - Hardship